

REMARKS

Claims 1-20 were pending in the application. The Office Action rejected claims 1-20. Claims 1, 14, 16 and 20 have been amended, claim 11 is canceled without prejudice and claims 21-24 have been added. No new matter has been added by way of these amendments or the new claims. Favorable reconsideration of this application, in light of the following discussion and in view of the present amendments, is respectfully requested.

I. Objection to Claim 16

The Office Action objected to claim 16 due to an informality. In response, Applicant has amended the claim. In view of the amendment, Applicant respectfully asserts the objection of claim 16 is overcome.

II. Rejection under 35 U.S.C. § 102

Item 2 on pages 3-6 of the Office Action rejected claims 1-6, 9, 11-18 and 20 under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent Application Number US 2002/0037257 to Niki et al. ("Niki"). Applicant respectfully traverses the rejection.

The Office Action asserts Niki discloses an identification information issuing unit that issues, upon receiving a group purchasing applications requests for a product from a user terminal, user identification information corresponding to the group purchasing application request (see at least: Fig. 1, abstract, 0042, 0056, 0070, 0144); and a product purchasing execution unit that executes, upon receiving a purchasing procedure request for a product from the user terminal with the user identification information issued, a product purchasing procedure for a user who made the purchasing procedure request (see at least: Fig. 1 and 5, 0041-0049, 0053-0060), and sets the user as an object user for the group purchasing processing corresponding to the user identification information (see at least: 0030, 0037, 0041-0042, 0135, Fig. 10). The Office Action further asserts claims 14-18 and 20 closely parallel claims 1, 3, 5, 6, and 9 and hence claims 14-18 and 20 are thereby rejected under the same rationale.

Niki does not suggest or disclose, "a message transmitting unit that transmits, upon the apparatus receiving an access from a user terminal of the users *with user identification information which coincides with the user identification information stored in the identification information storing unit*, a message to urge the users to carry out the group purchasing" as recited in amended independent claim 1, or "transmitting, upon the apparatus receiving an access from a user terminal of the users *with user identification information which coincides with the user identification information stored in the identification information storing unit*, a message

to the user terminal to urge the users to carry out the group purchasing” as recited in amended independent claims 14 and 20.

As discussed on page 32, line 17 through page 33, line 2 of the present application, “In the group purchasing service providing apparatus 22 according to the fourth embodiment, the group purchasing management unit 224b receives the group purchasing application request from the user terminal 20a to 20c of the users together with the user IDs, and registers the user IDs into the group purchasing management data 223d (corresponding to the identification information storing unit and the message transmitting unit according to at least one embodiment of the present invention). The group purchasing service providing apparatus receives the access request including the user IDs from the users. When the received IDs *coincide* with the registered IDs, *the apparatus transmits the message* to urge the group purchasing to the user terminal 20a to 20c of the users.”

Applicant respectfully directs the Examiner’s attention to paragraph [0056] of Niki which recites “When receiving the request for the bulk purchase, the bulk purchase group management server 1 transmits a group ID table corresponding to the bulk purchase, to the leader A of the bulk purchase group (Action II in FIG. 1). When receiving the group ID, the leader A of the bulk purchase group allots the group ID to each of the members B and C of the bulk purchase group (Action III in FIG. 1).”

In contrast to the subject application, in Niki the bulk purchase group management server 1 transmits a group ID table corresponding to the bulk purchase, to the leader A of the bulk purchase group, regardless of whether the information coincides with that stored in the bulk purchase group management server 1. In fact, the user information cannot yet be stored in the bulk purchase group management server 1, because the leader access cited by the Office Action, on the last two lines of page 5 of the Office Action, occurs to “create(s) a group purchasing request via a terminal.” Thus, Niki fails to disclose the bulk purchase group management server 1 “that transmits, upon the apparatus receiving an access from a user terminal of the users *with user identification information which coincides with the user identification information stored in the identification information storing unit...*” as set forth in amended independent claims 1, 14 and 20. In view of the foregoing remarks, the Examiner is respectfully requested to withdraw the rejection of amended independent claims 1, 14 and 20. Claims 2-10, 12-13, 15-19 and 21-23 depend from and contain all of the limitations of claims 1, 14 and 20 plus additional features that are not disclosed or suggested by Niki, and are therefore patentable in the same manner as independent claims 1, 14 and 20.

Niki also fails to suggest or disclose “the message transmitting unit *transmits a message directly to the user terminals of the users*, upon the apparatus receiving an access from a first

user terminal of the users with user identification information which coincides with the user identification information stored in the identification information storing unit, to urge the users to carry out the group purchasing" as recited in new dependent claim 21 or "the transmitting is of a message directly to the user terminals of the users, upon the apparatus receiving an access from a first user terminal of the users with user identification information which coincides with the user identification information stored in the identification information storing unit, to urge the users to carry out the group purchasing" as recited in new dependent claims 22 and 23.

Applicant again respectfully directs the Examiner's attention to paragraph [0056] of Niki which recites "When receiving the request for the bulk purchase, the bulk purchase group management server 1 transmits a group ID table corresponding to the bulk purchase, to the leader A of the bulk purchase group (Action II in FIG. 1)."

In contrast to the subject application, in Niki the bulk purchase group management server 1 transmits a group ID table corresponding to the bulk purchase to the leader A of the bulk purchase group, and not directly to each of the bulk purchase group members. In view of the foregoing remarks, Applicant respectfully asserts new claims 21-23 are also patentable over Niki. New claim 24 recites "transmitting a message directly to each of the identified users, upon receiving the group purchasing application, to urge the identified users to carry out a group purchase, the message transmitted using the stored user contact information" which Niki also fails to suggest or disclose for the reasons discussed above. Thus new claim 24 is also patentable over Niki. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 10, 2006

By: 

David J. Cutitta
Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501